

LAW OFFICES

SCOTT A. SREBNICK, P.A.

SCOTT A. SREBNICK*

* ALSO ADMITTED IN NEW YORK

201 S. Biscayne Boulevard
Suite 1210
Miami, Florida 33131

Tel: 305-285-9019

Fax: 305-377-9937

E-mail: scott@srebnicklaw.com
www.srebnicklaw.com

May 18, 2020

Via ECF

Honorable Paul G. Gardephe
United States District Judge
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

Re: United States v. Avenatti, No. S1 19 Cr. 373 (PGG)
**Unopposed Motion for an Adjournment of the
Sentencing Date and Sentencing Submissions**

Dear Judge Gardephe:

Mr. Avenatti's sentencing hearing is currently scheduled for June 17, 2020. I write to respectfully request an adjournment of that date for approximately sixty (60) days, until early-mid August 2020, and a corresponding adjournment of the dates for the defense and the government to file their sentencing submissions. The government consents to this motion.

As this Court is aware, on February 14, 2020, a jury found Mr. Avenatti guilty of the three counts charged against him in the Superseding Indictment. At the time, Mr. Avenatti was in custody pursuant to a remand order entered by United States District Judge James Selna of the Central District of California. On April 24, 2020, Mr. Avenatti was temporarily released to home confinement in California at the residence of a friend pursuant to conditions set by Judge Selna in the wake of the COVID-19 pandemic. *See United States v. Avenatti*, Case No. SA-CR-19-61-JVS (ECF No. 154:7). Mr. Avenatti remains under home confinement in Venice, California.

Mr. Avenatti wishes to appear with undersigned counsel, in person, at his sentencing hearing before this Court. Given the current health crisis, and the acute situation in New York City, Mr. Avenatti respectfully requests that the sentencing hearing be continued for approximately 60 days so as to minimize the health risks to all involved, including to any individuals who may wish to attend in support of Mr. Avenatti. Mr. Avenatti respectfully requests a sentencing date in early-mid August, 2020, if convenient for the Court.¹ Moreover, in accordance with the Court's individual practice rules for criminal cases, Mr. Avenatti

¹ Mr. Avenatti's trial in the Central District of California is currently scheduled to commence on August 18, 2020, *see* Case No. SA-CR-19-61-JVS (C.D.Ca) (ECF No. 126), but it is unclear whether jury trials will resume by then. AUSA Richenthal is unavailable on August 21, 2020.

respectfully requests that his sentencing submission be due two weeks before any new sentencing date and that the government's sentencing submission be due one week before that sentencing date. *See Individual Practices of Judge Paul G. Gardephe, Criminal Cases, Rule 8.B.2.* The additional time will enable undersigned counsel to adequately prepare for sentencing, as undersigned counsel has had extremely limited communication with Mr. Avenatti for several months while he was in lockdown and then in quarantine at MCC-New York.

The trial prosecutors have advised that the government does not oppose a 60-day adjournment of the sentencing hearing and the dates for filing sentencing submissions.

Respectfully Submitted,
/s Scott Srebnick
Scott A. Srebnick
E. Danya Perry

cc: Government Counsel

Defendant's sentencing is adjourned to August 19, 2020 at 4:00 p.m. Defendant's sentencing submission is due by July 29, 2020. The Government's sentencing submission is due by August 5, 2020.

SO ORDERED.



Paul G. Gardephe
United States District Judge
May 19, 2020